



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,000	09/18/2006	Kouji Hatano	41245	3056
53054 7590 05/23/2008 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER WANG-HURST, KATHY W				
ART UNIT 4173		PAPER NUMBER		
NOTIFICATION DATE 05/23/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@peame.com
dchervenak@peame.com

Office Action Summary

Application No.

10/599,000

Applicant(s)

HATANO, KOUJI

Examiner

KATHY WANG-HURST

Art Unit

4173

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 9/18/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 9/18/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by **Tagawa et al. (US 2002/0045438)**, herein referred as Tagawa.

Regarding claim 1, Tagawa discloses an information terminal, comprising:

a reproducing unit that reproduces contents; **[[0020] line 3, reproduction unit)**

an informing unit that informs an occurrence of an event; **[[0020] ring tone output unit**

to inform incoming calls)

a superposing unit that superposes an output of the reproducing unit

and an output of the informing unit **[[0020] outputting a ring tone while the reproduction unit is reproducing data];** and

a controlling unit that causes an information of the occurrence of the event and a superposition of the output of the reproducing unit and the output of the informing unit to execute in a previously set reproducing procedure **[[0020] and [0026] a control unit controlling events and executing [0023] different reproduction modes previously set).**

Regarding to claim 2, Tagawa discloses the information terminal according to claim 1, further comprising:

a storing unit that stores a plurality of the reproducing procedures **[[0074] lines 3-5, a memory that stores reproduction methods];** and

an extracting unit that extracts meta information to select the reproducing procedure from the contents, wherein the controlling unit causes the superposition of the output of the reproducing unit and the output of the informing unit and the information of the occurrence of the event to execute in the reproducing procedure selected based on the extracted meta information **[[0068]].**

Regarding claim 3, Tagawa discloses the information terminal according to claim 1, further comprising:

Art Unit: 4173

a storing unit that stores a plurality of the reproducing procedures ([0074] lines 3-5, a **memory that stores reproduction methods**); and

an acquiring unit ([0150] **acquire data**) that acquires data that is corresponded to the contents, wherein the controlling unit causes the superposition of the output of the reproducing unit and the output of the informing unit and the information of the occurrence of the event to execute in the reproducing procedure selected based on the acquired information ([0068] **it is inherent that there exists an acquiring unit to acquire data so that the control unit can execute**).

Regarding claim 4, Tagawa discloses the information terminal according to claim 1, further comprising:

a storing unit that stores a plurality of the reproducing procedures; and

a sensing unit that senses a state of the terminal ([0068] **can sense/detect the state of the terminal, i.e. terminal is reproducing music when a call arrives**),

wherein the controlling unit causes the superposition of the output of the reproducing unit and the output of the informing unit and the information of the occurrence of the event to execute in the reproducing procedure selected based on the sensed state of the terminal ([0068]).

Regarding claim 5, Tagawa discloses a method of informing an event that occurs during reproduction of contents, causing a superposition of an output of a reproducing unit and a output of an informing unit and an information of an occurrence of an event to execute

Art Unit: 4173

in a previously set reproducing procedure ([0068]).

Regarding claim 6, Tagawa discloses the method of informing the event according to claim 5, wherein the reproducing procedure is selected based on meta information of the contents ([0075]).

Regarding claim 7, Tagawa discloses the method of informing the event according to claim 5, wherein the reproducing procedure is selected based on information that is corresponded to the contents ([0075]).

Regarding claim 8, Tagawa discloses the method of informing the event according to claim 5, wherein the reproducing procedure is selected based on a state of a terminal ([0067] - [0069]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Masamura (US 6819939) discloses a cellular phone with high quality sound reproduction capability.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is

Art Unit: 4173

(571)270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHY WANG-HURST/
Examiner, Art Unit 4173

/Benny Q Tieu/
Supervisory Patent Examiner, Art Unit 4173